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IDAHO LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE

**TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 2, 2006**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Brandt, Cameron, Coiner, Pearce, and Richardson, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Staniela Nikolova, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 1, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Brandt and Coiner were recorded present at this order of business.

February 2, 2006

The JUDICIARY AND RULES Committee reports that **S 1334** has been correctly printed.

DARRINGTON, Chairman

S 1334 was referred to the Commerce and Human Resources Committee.

February 2, 2006

The JUDICIARY AND RULES Committee reports out **S 1302**, **S 1303**, and **S 1311** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1302, **S 1303**, and **S 1311** were filed for second reading.

February 1, 2006

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Gary Blick to the Idaho Transportation Board, term to expire January 12, 2012.

BRANDT, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 1, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1299** with the recommendation that it do pass.

SCHROEDER, Chairman

S 1299 was filed for second reading.

February 2, 2006

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1276** with the recommendation that it do pass.

BUNDERSON, Chairman

S 1276 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 1, 2006

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Kempton of Boise, Idaho, was appointed as a member of the Idaho Northwest Power and Conservation Council to serve a term commencing January 15, 2006, and expiring January 12, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Resources and Environment Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 1, 2006

Mr. President:

I return herewith **S 1305**, **S 1306**, and **S 1307** which have passed the House.

JUKER, Chief Clerk

S 1305, **S 1306**, and **S 1307** were referred to the Judiciary and Rules Committee for enrolling.

February 1, 2006

Mr. President:

I return herewith Enrolled **S 1277**, **S 1278**, and **SJM 113** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1277** and **S 1278** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

SJM 113 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1335

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE UNIFORM PROBATE CODE; AMENDING SECTION 15-1-201, IDAHO CODE, TO REVISE THE DEFINITION FOR "INTERESTED PERSON" AND TO MAKE A TECHNICAL CORRECTION.

S 1336

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO CRIMINAL GANG ENFORCEMENT ACT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 85, TITLE 18, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR EXTENDED SENTENCES, TO PROHIBIT THE RECRUITMENT OF GANG MEMBERS, TO

PROHIBIT SUPPLYING FIREARMS TO A CRIMINAL GANG AND TO PERMIT THE ADOPTION OF LOCAL ORDINANCES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

S 1337

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2732D, IDAHO CODE, TO PROHIBIT SPECIFIED ACTS, TO PERMIT AN INFERENCE OF CONSUMPTION OF CONTROLLED SUBSTANCES, TO PROVIDE FOR THE CONSIDERATION OF DRUG TREATMENT OR DRUG COURT OPTIONS, TO LIMIT APPLICATION, TO DEFINE TERMS, TO PROVIDE PUNISHMENT AND TO LIMIT THE DUTY TO REPORT IN CERTAIN CASES.

S 1338

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO CERTIFIED FAMILY HOMES; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE A PUBLIC RECORDS EXEMPTION FOR RECORDS AND INFORMATION IDENTIFYING A COMPLAINANT; AND AMENDING CHAPTER 35, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3556, IDAHO CODE, TO PROVIDE FOR FILING A COMPLAINT, INVESTIGATION AND INSPECTION.

S 1339

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PERSONAL CARE SERVICES; AMENDING SECTION 39-5603, IDAHO CODE, TO REMOVE THE STANDARD WHICH REQUIRED PERSONAL CARE SERVICES BE ORDERED BY A PHYSICIAN OR AUTHORIZED PROVIDER; AND AMENDING SECTION 39-5608, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION.

S 1340

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE DEVELOPMENTALLY DISABLED; AMENDING SECTION 66-402, IDAHO CODE, TO PERMIT A MASTER LEVEL HEALTH PROFESSIONAL TO SERVE ON AN EVALUATION COMMITTEE, TO REQUIRE EACH COMMITTEE MEMBER TO BE SPECIALLY QUALIFIED AND TO MAKE A TECHNICAL CORRECTION.

S 1341

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES; AMENDING THE HEADING FOR CHAPTER 1, TITLE 16, IDAHO CODE; AMENDING SECTION 16-101, IDAHO CODE, TO EXPAND LEGISLATIVE FINDINGS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-102, IDAHO CODE, TO EXPAND

LEGISLATIVE POLICY OF THE STATE; AMENDING SECTION 16-103, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-104, IDAHO CODE, TO PROVIDE FOR AN EARLY CHILDHOOD AND EARLY INTERVENTION SYSTEM; AMENDING SECTION 16-105, IDAHO CODE, TO PROVIDE FOR AN EARLY CHILDHOOD COORDINATING COUNCIL, TO PROVIDE FOR THE ADMINISTRATION AND OVERSIGHT OF THE COUNCIL, TO PROVIDE THAT THE COUNCIL BE DESIGNATED BY THE GOVERNOR AND TO PROVIDE COUNCIL MEMBERSHIP CRITERIA; AMENDING SECTION 16-106, IDAHO CODE, TO PROVIDE DUTIES FOR THE EARLY CHILDHOOD COORDINATING COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-107, IDAHO CODE, TO PROVIDE RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND WELFARE AS THE EARLY INTERVENTION LEAD AGENCY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-108, IDAHO CODE, TO PROVIDE FOR REGIONAL EARLY CHILDHOOD COORDINATING COMMITTEES AND TO PROVIDE FOR MEMBERSHIP CRITERIA AND RESPONSIBILITIES FOR THE COMMITTEES; AMENDING SECTION 16-109, IDAHO CODE, TO REVISE REQUIREMENTS FOR THE INDIVIDUALIZED FAMILY SERVICE PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-110, IDAHO CODE, TO PROVIDE FOR EARLY INTERVENTION PROCEDURAL SAFEGUARDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-111, IDAHO CODE, TO REVISE USES OF FUNDS, TO REMOVE A SPECIFIC REFERENCE TO FEDERAL LAW, TO MAKE A TECHNICAL CORRECTION, TO SPECIFY FUNDING SOURCES AND TO CREATE THE EARLY CHILDHOOD COORDINATING COUNCIL FUND IN THE STATE TREASURY; AND AMENDING SECTION 16-113, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION.

S 1342

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 56-1012, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 56-1013, IDAHO CODE, TO PROVIDE FOR CORRECT TERMINOLOGY AND TO MODIFY RULEMAKING AUTHORITY; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-1013A, IDAHO CODE, TO CREATE AN IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION AND TO PROVIDE FOR THE GOVERNANCE OF THE COMMISSION; AMENDING SECTION 56-1016, IDAHO CODE, TO ELIMINATE GRANDFATHER RIGHTS FOR AMBULANCES AND TO PROVIDE FOR SUPERVISION OF THE MEDICAL SERVICES PROVIDED BY PERSONNEL AFFILIATED WITH LICENSED AMBULANCE OR NON-TRANSPORT SERVICE; AND AMENDING SECTION 56-1017, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.

S 1343

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-903, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 54-913 AND 54-919, IDAHO CODE, TO REMOVE REFERENCE TO ANNUAL LICENSING; REPEALING SECTION 54-920, IDAHO CODE; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-920, IDAHO CODE, TO PROVIDE FOR THE

LICENSING OF CERTAIN PERSONS BY THE STATE BOARD OF DENTISTRY, TO PROVIDE FOR LICENSE FEES, TO PROVIDE PROCEDURES FOR THE RENEWAL OF LICENSES, TO PRESCRIBE PROCEDURES FOR THOSE WHO FAIL TO PROPERLY SUBMIT COMPLETED RENEWAL APPLICATIONS AND LICENSE FEES, TO PRESCRIBE FEES AND PROCEDURES FOR RETURN OF AN UNPAID CHECK OR OTHER PAYMENT, TO PROVIDE DEFINITIONS FOR LICENSE CLASSES, TO PROVIDE DISCRETION AND RULEMAKING AUTHORITY TO THE BOARD AND CONDITIONS FOR THE ISSUANCE OF LICENSE CLASSES, TO PROVIDE FOR THE CONVERSION OF CERTAIN LICENSES, TO REQUIRE NOTIFICATION TO THE BOARD OF CERTAIN CHANGES AND TO IMPOSE A TIME LIMIT FOR NOTIFICATION; AMENDING SECTION 54-921, IDAHO CODE, TO PROVIDE FOR THE REINSTATEMENT OF CERTAIN PERSONS WHOSE LICENSES HAVE EXPIRED FOR FAILURE TO COMPLY WITH LICENSE RENEWAL REQUIREMENTS; AMENDING SECTION 54-922, IDAHO CODE, TO REQUIRE DISPLAY OR IMMEDIATE PRODUCTION OF A LICENSE FOR THE TIME PERIOD OF PRACTICE; AND AMENDING SECTIONS 54-923, 54-924, 54-925 AND 54-932, IDAHO CODE, TO REMOVE REFERENCE TO ANNUAL LICENSING.

S 1344

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL AGE; AMENDING SECTION 33-201, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICTS MAY OFFER SERVICES TO CHILDREN UNDER THE MINIMUM SCHOOL AGE OF FIVE YEARS, TO SPECIFY CONDITIONS AND LIMITATIONS AND TO MAKE TECHNICAL CHANGES.

S 1335, S 1336, S 1337, S 1338, S 1339, S 1340, S 1341, S 1342, S 1343, and S 1344 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1264, by Transportation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Lodge, granted by unanimous consent, **S 1300** was referred to the Fourteenth Order of Business, General Calendar.

S 1275 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Cameron, Pearce, Richardson. Total - 3.

Total - 35.

Whereupon the President declared **S 1275** passed, title was approved, and the bill ordered transmitted to the House.

Senators Cameron, Pearce, and Richardson were recorded present at this order of business.

S 1296 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1296** passed, title was approved, and the bill ordered transmitted to the House.

S 1297 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1297** passed, title was approved, and the bill ordered transmitted to the House.

S 1329 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1329** passed, title was approved, and the bill ordered transmitted to the House.

S 1330 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1330** passed, title was approved, and the bill ordered transmitted to the House.

S 1308 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1308** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:40 a.m. until the hour of 11 a.m., Friday, February 3, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary